



**MDOC**

Week of  
July 16, 2010

# *From the Field*

**Conserving Maine's Special Places for Maine People**

22 State House Station, 18 Elkins Lane, Harlow Building, Augusta, Maine 04333 <http://www.maine.gov/doc>

## **The Moosehead Lake Region Concept Plan: A “Working, Living Document”**

*Editor's Note: We are devoting much of this newsletter to the Moosehead Lake Region Concept Plan because of its significance to the Maine landscape and the people of Maine, as well as its national importance. We hope you find this informative and enlightening!*

Say the phrase “land use planning” and you’re likely to cause most folks to fall into a stupor and others to start foaming at the mouth. Land use planning, however, is recognized as an integral and necessary part of the Maine landscape -- whether it’s done at the community or regional level – and as an important tool for supporting the state’s economy while preserving its rural and forest-based traditions.

The Moosehead Lake Region Concept Plan, recently approved by the Land Use Regulation Commission, under the MDOC, is one of those documents that tend to generate the usual range of reactions one encounters regarding planning issues. Clear away the clouds of hyperbole, though, and what remains is an innovative plan that has national significance and one that sets new standards for rural land-use planning.

In June, LURC was honored for the concept plan by the Maine Association of Planners (MAP) receiving the “Outstanding Planning Achievement of the Year” award at MAP’s annual meeting. The concept plan now is being submitted for the Northern New England planning association honors.



Moosehead Lake

This unique, 30-year concept plan, which centers on timberland company Plum Creek’s development in the Moosehead region, was recognized in particular by MAP for its scope and scale, its responsiveness to input from the public and experts, and its approach to implementing both new and established planning concepts in the Moosehead region, according to state association officials.

In fact, the Moosehead Lake Region Concept Plan “is a working, living document,” according to Aga Pinette, LURC senior planner who oversaw the plan’s development.

“The nice thing about this plan is that it’s already being implemented,” Pinette said.

Unlike most land-use plans, the Moosehead concept plan is not a typical planning document that relies on additional steps, such as the adoption of zoning and an ordinance, before the actual effects of the plan are realized, she pointed out. “This plan is already telling Plum Creek how to do its timber harvesting, how to conduct its business on the ground,” Pinette said.

Focusing on 409,000 acres around Moosehead Lake, the concept plan includes “one of few landscape-scale regulatory conservation easements and may be perhaps the biggest” in the U.S., she said. Elements of the plan “certainly are a model for places all over the country,” Pinette added.

Most professional planning in the U.S. focuses on urban areas where there are the population demands and the immediate need to plan for and manage growth, Pinette said. There are few models for well-planned rural projects and even fewer long-term models, she noted.

Rural land-use plans must balance a number of elements, including resource-extraction uses such as timber harvesting, the unique needs of small communities and the requirements of outdoor recreationists for activities such as hiking, boating and off-road vehicle use.

“In that sense, this plan can be a really good guide for other rural areas similar to northern Maine,” Pinette said, because the Moosehead concept plan addresses all three needs for the long term.

Some of the concept plan’s features are truly innovative, such as its new approach to evaluating scenic impact, the senior planner said. Scenic impact, she said, is an assessment of what one would see, for example, while fishing on a lake – “how something looks from a lake that is valued for its beauty and remote experience and fishing opportunities.”

There are few national planning models for evaluating scenic impacts in a rural landscape such as Maine’s North Woods, Pinette said. The Moosehead concept plan removes the subjective “eye-of-the-beholder” approach to determining scenic impact and replaces it with “a rigorous protocol” that is measurable, the LURC planner said. It quantitatively evaluates how a developed landscape blends with the surrounding natural environment by measuring, for example, how much surface area and perimeter of a house and how much lawn is visible from a lake or a public road.

### The Conservation Easement Factor

The features of the Moosehead concept plan garnering the most attention, however, are its land conservation elements, according to Pinette. With 393,000 acres placed under permanent conservation easement, the plan creates possibly the largest regulatory easement in the country.

Typically conservation easements, which generally extinguish development rights and provide enhanced protection of natural resources on a parcel of land, are private deals with negotiations done with little or no public input, Pinette explained. A regulatory conservation easement, however, means that the government -- in this case, the state -- actually requires the developer -- in this case, Plum Creek -- to conserve land in order to gain certain development rights.

With the Moosehead concept plan, the terms of the conservation easements were the subject of extensive public review that helped shape the type of natural resource protections contained in the easement and ensure that the affected lands will be conserved well before Plum Creek initiates any development in the area, the planner said.

One of the two conservation easements required by the Moosehead concept plan is already in effect, Pinette continued. Last October, Plum Creek sold 29,500 acres known as the Roach Ponds Tract to the Appalachian Mountain Club, which in turn donated a conservation easement on the tract to the Maine Bureau of Parks and Lands, under the MDOC. Stewardship funding also was provided, she said. As a result, the land is permanently conserved from threats of development, provides guaranteed public access, and is actively being managed to provide the public with back-country recreation opportunities.

### Moosehead Lake Region Concept Plan Quick Facts

Regulator: Land Use Regulation  
Commission

Land Owner: Plum Creek, Seattle, WA  
Size, Location of Area: 409,000 acres,  
Moosehead Lake region

Development Area: 16,000 acres; 10 areas  
adjoining six lakes

Conservation Area: 393,000 acres; two  
areas:

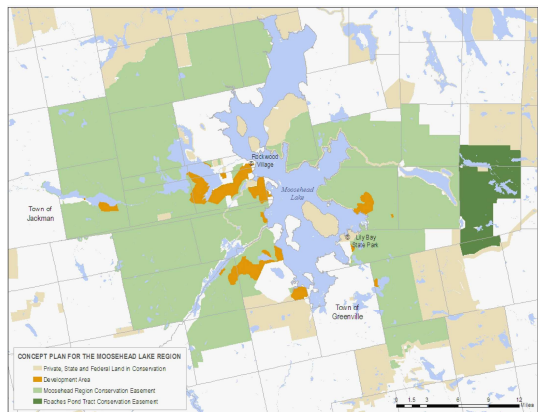
- Moosehead Region Conservation Easement: 363,000 acres in perpetuity
  - Easement Holder: Forest Society of Maine
- Roach Ponds Tract Conservation Easement: 29,500 acres in perpetuity
  - Easement Holder: Maine Bureau of Parks and Lands

Administrative Process:

- Four years in length;
- Three major plan amendments offered by Plum Creek
- December 2007-January 2008: Four weeks of adjudicatory hearings
  - 26 formal parties; 170 witnesses;
  - 18 state and federal agencies;
  - 3,800-plus letters from the public
- 2008-2009:
  - Commission directs staff to generate comprehensive set of amendments;
  - Numerous rounds of written comments;
  - Commission finalizes amendments;
  - Plum Creek accepts amended plan;
  - Commission votes unanimously to approve plan September 2009

Through an agreement between Plum Creek, the Bureau of Parks and Lands, and the Forest Society of Maine (FSM), the remaining 363,000-acre conservation easement also is effectively in place, with FSM serving as the easement holder, Pinette said. The easement conditions include the prohibition of residential development; restriction of commercial development; continuation of commercial forestry; enhanced natural-resource protections; and guaranteed pedestrian public access. The easement will be executed formally pending the outcome of a Maine Superior Court appeal of LURC’s decision to approve the concept plan, the planner said.

There are a number of other unique factors about the Moosehead concept plan that make it special. They include its use of customized zoning and land-use standards for the 10 development areas that are part of the plan. Those standards require rigorous “master planning” of most development areas to ensure that the land is used efficiently and reduces impacts on



natural resources; subdivision review of all residential and commercial lots, with none excluded because of statutory exemptions; and the setting aside of mitigation funds to provide affordable housing, recreation infrastructure and the protection of wildlife.

The fact that the plan’s implementation by the landowner is voluntary and actually will result in increased economic benefits to Plum Creek shareholders is an important lesson learned in the review of this plan, according to Pinette. An analysis of the plan by the renowned Open Space Institute of New York showed that Plum Creek shareholders stand to gain about \$106 million from development under the concept plan – even while providing significant land conservation -- in comparison to \$67.3 million that Plum Creek could pursue without the plan.

Concept Plan Area around Moosehead Lake  
(Conserved Land in Green, Developed Land in Orange)

And, in contrast to the type of development that Plum Creek could pursue absent the plan – haphazard, incremental development that is likely to degrade the remoteness and natural resources of the region – the concept plan development will be orderly and well-planned.

LURC has a specific legislative charge from the Maine Legislature, including the promotion of orderly development, the protection of natural and ecological values and the well-planned use of natural resources. A significant amount of time, effort and creativity has been invested in the development of the Moosehead Lake Regional Concept Plan to make it one that will work for all the people of Maine, according to Pinette.

“The key message here is that concept planning not only is attractive and financially feasible to landowners, but it also achieves LURC’s legislative charge much better than the traditional approach to regulating land uses,” she said.



**Meet the MDOC: Aga Pinette, senior planner, Land Use Regulation Commission**

For almost six years, Aga Pinette, senior planner with the Land Use Regulation Commission, has overseen one of the most significant planning projects in the state of Maine – the Moosehead Lake Region Concept Plan.

Working with a strong team, Pinette has helped guide the plan through numerous public hearings, rigorous review and multiple revisions, with final approval given by the Commission in September 2009. That team also included Evan Richert, associate research professor for planning, development and environment with the Muskie School of Public Service; attorney Ronald Kreisman of Hallowell; and Jerry Reid, chief of the Natural Resources Division of the Maine Attorney General’s Office.

Pinette has great admiration for the Commission and its work. “LURC has an amazing mission and a noble cause,” she says. “It was very insightful of the Legislature to create this agency in the early ‘70s. Very few places in the country have this type of

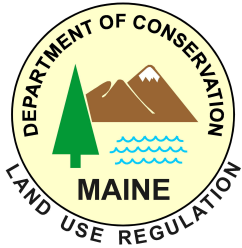


Aga Pinette, senior planner

regulatory framework in place – an agency with a mission to regulate a broad range of land uses across a vast, largely undeveloped landscape.”

A 1999 graduate of Dartmouth College, Pinette majored in environmental earth sciences, with a focus on remote sensing. The future planner found herself interested at the time in her environmental policy and land-use planning classes without actually realizing she might come to use them, but nonetheless “the path had been paved,” she says.

Three months after graduating, Pinette was “on the front lines at LURC,” she recalls, working in a field service position out of LURC’s Greenville office and handling permitting for much of Piscataquis County. “I quickly came to realize how unique LURC is in its regulatory role” of overseeing 10.5 million acres in Maine, she says.



In 2001, Pinette became a LURC planner and immediately inherited the completion of Plum Creek’s first concept plan for its ownership around First Roach Pond. From 2002 to 2004, she worked on a major overhaul of LURC’s development review standards for its entire jurisdiction, a project generated by a legislative directive and one requiring an extensive public review process. Her work on the Moosehead Lake Region Concept Plan then began toward the end of 2004.

In 2009, Pinette was named MDOC Employee of the Year and was honored by Gov. John E. Baldacci.

One aspect of LURC that especially appeals to Pinette is that the fact that the agency deals with rural planning on multiple levels.

“It’s a small shop,” she points out, “and you can’t get through a day without hearing about and seeing the implications of what you do. I’ve enjoyed being able to cross those lines of doing conceptual planning work but also having to face the on-the-ground repercussions of that work.”

Pinette will take her LURC experience with her as she heads this fall to the University of Maine School of Law. Law school, she says, “has been an idea for many, many years now.”

“Having had the chance to delve into so many aspects of administrative law over the past few years as part of my work reviewing the Moosehead plan, I’ve had no choice but to face the fact that I really enjoy the legal aspects of the job,” she says. “I know I will pursue the study of land use law, but I’ll also have an opportunity to explore many other topics of interest, including social justice issues such as immigration rights.”

“Where this journey ultimately takes me is a complete mystery to me, but that is a big part of the appeal.”

### **MCC Trail Crews Complete Projects**

The Maine Conservation Corps Field Team’s summer season is in full swing! Trail crews have finished up projects in Portland, Freeport, York, and Grand Lake Stream, as well as at Quoddy Head State Park, Rachel Carson National Wildlife Refuge and on the Appalachian Trail.

New and continuing trail crew projects are taking place at Baxter State Park, Deboullie Public Land Unit, and Bradbury Mountain State Park, as well as in Bath and Portland, and on the Appalachian Trail. Project activities vary from constructing stone staircases in the back country to building timber bridges and cutting new trail.

The MCC’s 33 environmental educators also are busy in the field this summer. Their projects include environmental workshops and summer camps for kids, trail building and maintenance, biological, stream, and fisheries monitoring, and assisting and educating campers and hikers enjoying Maine’s state parks and public lands.



A MCC crew moves a boulder on the Gulf Hagas Rim Trail along the Appalachian Trail.



Visit the MCC Volunteer & Event Calendar to find out what’s going on with the MCC this summer and how to get involved: <http://www.maine.gov/doc/parks/mcc/volunteer.html>.

### New ATV Trail Coordinator to Support Northern Region

Bion Tolman of Mattawamkeag has been hired as the Northern Central Region ATV trail coordinator for BPL’s Off Road Vehicle Division, according to Director Scott Ramsay. Tolman will assist in forming ATV clubs, inspect existing or potential trail facilities, work with local landowners regarding ATV issues and provide information and education to clubs, municipalities and the general public regarding BPL programs and grants, Ramsay said.

The new trail coordinator will cover the region consisting of northern Penobscot, Piscataquis and southern Aroostook counties. Calling it “a crucial area” for the development of ATV use, Ramsay said it was very significant to have a coordinator in the region.

“With the help of this critical position, we are committed to working with land owners in this region to develop at least a limited opportunity for residents to ride their ATVs close to home and with an eye to future tourism opportunities,” Ramsay said. The director noted that the region is fast becoming a significant tourism destination.



Bion Tolman

Tolman has a strong background in trail construction and understands forestry “Best Management Practices (BMPs)” for harvesting. He has both worked and helped out on several projects with local clubs over the past few years and also has been not only a club member but an officer in his local club. Tolman’s working relationship several of the large landowners and local clubs in the region is expected to make him a strong addition to the ORV team, Ramsay said.

The new hire brings the number of trail coordinators to five, including the Down East Sunrise Trail manager.

### Four Season Trail Work Begins

Work began earlier this month on maintaining 31 miles of rail bed along the Four Season Adventure Trail, an important multi-use trail in the Newport-Dover-Foxcroft area. A reshaping of the whole trail is taking place to improve the overall trail experience for users, according to Joe Higgins, BPL recreational safety and vehicle coordinator.



Maintenance work being done on the Four Seasons Adventure Trail in the Dover-Foxcroft-Newport area.

“This trail is heavily used by bikers, walkers, even horse-back riders,” Higgins says. “It’s very significant to the area, and helps the local economy all along the corridor.”

The trail provides great views of Sebasticook Lake in Newport and Wassookeag Lake in Dexter and travels through bog areas, offering extensive wildlife-watching opportunities, including deer, moose, and birds. A boardwalk off the trail leads to Corundel Lake in Corinna. The views of the Piscataquis River from the trestle bridge in Dover-Foxcroft are a must-see for trail users.

The trail is being re-crowned, with new culverts installed and gravel placed in low-lying areas. Brush also is being cleared to increase visibility along the trail. In addition, a new kiosk is being installed to indicate the Corundel Lake boardwalk and make it more apparent to trail users.

“This work definitely will enhance the trail as a destination for a great outdoor experience,” Higgins said.

## MGS Marine Geologist Helps with Sea Level Rise Issue

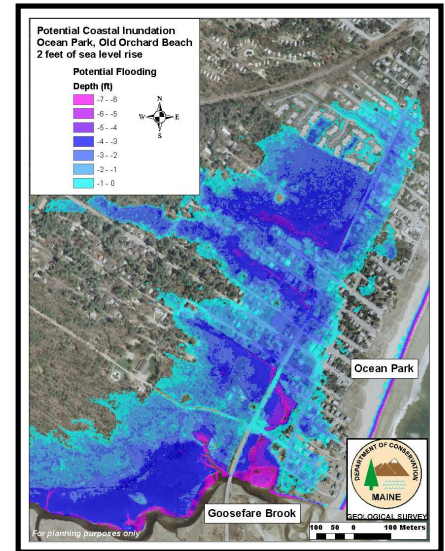
It has a funny name – SLAWG – but the Sea Level Adaptation Working Group steering committee, composed of appointed representatives from the communities of Biddeford, Saco, Old Orchard Beach, and Scarborough, held its first meeting last month to plan for the potential impacts of sea level rise within Saco Bay and to pinpoint potential regional adaptation strategies.

Marine geologist Peter Slovinsky of the Maine Geological Survey (MGS) has been working the past three years with Planning Director Jon Lockman of the Southern Maine Regional Planning Commission on the issue of sea level rise impacts within the Saco Bay communities.

Through work shops and educational outreach, they have detailed the potential effects on this unique coastal area as well as possible mitigation. In particular, Slovinsky has shared MGS's scientific work on what the potential impacts of a 2-foot rise in sea level in the next 100 years might be to the built and natural environments in Saco Bay.

These community efforts by Slovinsky and Lockman have resulted in the formation of the regional (SLAWG) steering committee to oversee and recommend potential adaptation strategies within Saco Bay relating to the effects of sea level rise.

The steering committee continues to meet bi-weekly to develop a working plan for the new organization and to design appropriate activities. The steering committee should complete its work and make recommendations to each of the partner communities, by the end of the summer, with adoption and appointment of the actual working group by the fall of 2010.



This MGS image depicts potential flooding under typical Highest Annual Tide after 2 feet of sea level rise for Ocean Park, Old Orchard Beach.

## MFS Works to Detect Adelgid Infestation

Hemlock woolly adelgid unfortunately continues to turn up in new places, and the Maine Forest Service needs your help!



Hemlock Woolly Adelgid

The MFS entomology staff has been surveying in coastal communities for this pest. That is no substitute, however, for homeowners, landowners and managers monitoring hemlocks on their properties and then reporting suspected infestations to our office.

Since early June, MFS crews have uncovered infestations in the towns of Arrowsic, Brunswick, Bristol, South Bristol, and Georgetown. The most recent confirmed report in Westport Island came from New Hampshire residents who were vacationing in Maine.

To date HWA has been confirmed in the following Maine towns (2010 detections in *italics*):

- **Cumberland County:** *Brunswick, Harpswell, South Portland*
- **Lincoln County:** *Bristol, South Bristol, Westport Island*
- **Sagadahoc County:** *Arrowsic, Georgetown, Phippsburg*
- **York County:** Eliot, Kennebunkport, Kittery, *Ogunquit*, Saco, South Berwick, Wells and York

Adelgid crawlers are still abundant, so if you are living, recreating or working in or near HWA infested areas MFS staffers ask that you bear in mind the risk of spreading the insect this time of year. More information about the life cycle of HWA can be found at: <http://www.maine.gov/doc/mfs/HWALifeStages.htm>.

Remember to check your hemlocks for signs of this pest, especially those trees located within 20 miles of the coast. If you do find HWA, please call the Maine Forest Service so that staff can target their survey and management activities. The number is: (207) 287-3147.

### **MFS ‘Walk-and-Talks’ Jump in June**

A significant component of the work done by Maine Forest Service district foresters is direct technical services – also known as “walk-and-talks” – with family forest owners. Landowners who request assistance on their woodlots can schedule a one-on-one visit with a district forester to answer questions, address particular problems, or simply to learn about their options.

Early summer sees many landowners thinking about their woodlots and seeking advice. In the mid-coast region, District Forester Morten Moesswilde recently conducted 15 walk-and-talks for landowners on woodlands totaling more than 500 acres. Landowners had goals ranging from maintaining aesthetic quality, to protecting water and wildlife habitat, to producing timber. Some examples of recent landowner meetings include:

- An absentee landowner in northern Kennebec County wanted advice on how much firewood he could cut on a 26- acre parcel. Moesswilde described how firewood thinning not only can provide a sustainable supply of fuel, but also can improve the stand’s future quality and value.
- A Lincoln county landowner, just beginning management on a parcel purchased four years ago, was pleasantly surprised by Moesswilde’s observations that thinning by the previous owner had left a very healthy, well-stocked stand of pine, oak, spruce, and other species, as well as created pockets of high-quality regeneration – leaving the current landowner with multiple options for future management.
- A southern Maine couple drove to their coastal Knox County property, which had long been the family farm, to meet with Moesswilde. Given the landowners’ goals, Moesswilde discussed an ownership strategy combining forest management planning, moderate logging, and ways to work with a local land trust;



As do all district foresters, Moesswilde, deals with questions ranging from how to identify different tree species to what types of logging equipment are available, and how to work with foresters and loggers. A frequent comment by landowners is: “I didn’t know there were so many things to consider about managing my property – but I’m glad I asked.”

### **MFS Provides Island Fire-Hazard Assessment**

Maine Forest Service forest rangers recently did an extensive fire-hazard assessment on Cushings Island in Casco Bay.



A MFS forest ranger observes a “fuel ladder” on Cushings Island.

Acting on a request from the president of the Cushings Island Conservation Corp., two MFS forest rangers conducted what is called a “wildland urban interface” assessment on June 24 and July 8. Many residents on Cushings Island have been concerned that wind-damaged trees have created a fire hazard that threatens their homes.

The two forest rangers toured the island and completed assessments on 16 homes and nine vegetative plots. Preliminary results indicated that the risk to homes fortunately was only moderate, but the forest rangers nonetheless will make several recommendations for mitigating the fire hazard.

The report on the assessment will be provided to the community later this summer. Cushings Island Conservation Corp. members also are considering becoming Maine’s third “Firewise Communities USA.”



## Check This Out ...

- The Maine State Parks Passport program is a resounding success, with many park visitors expressing their pleasure with getting their passports stamped at each park. In less than six weeks since the program was announced, two families actually reached the goal of getting stamps from each of Maine's 48 state parks and historic sites, including the two island venues! Those energetic folks will receive a free vehicle park pass for the 2011 season. Look for more info about an upcoming BPL recognition event for the first "48-ers."
- All vehicles with Maine Conservation Loon License Plates get free admission to Maine state parks and historic sites on Saturday and Sunday, July 17-18. "Giving free admission to loon plate holders for our state parks and historic sites is a way we can show our appreciation for their support," Will Harris, BPL director says. "We look forward to giving something back by giving loon-plate holders a happy, fun-filled weekend at our state parks." For more information about Maine Loon License Plates, go to: <http://www.maine.gov/doc/parks/volunteer/loonplates.html>
- Our Maine state parks offer plenty of inspiration, and Kelly Arata of Hallowell clearly has met the parks muse. Arata, legislative and policy coordinator in Gov. Baldacci's office, will display her photographs later this month at Hattie's Chowder House, 103 Water St., Hallowell. From April to June of this year, Arata visited 10 state parks, and 26 of her varied and unique photos will be presented from Thursday, July 22 to Thursday, Aug. 26, in an exhibit titled "Kelly's Discovery of Tranquility: Journey to Maine State Parks." Arata says: "I am so excited to show you what I discovered along the way!" For more information, go to: <http://kelly-arata.blogspot.com/>
- The Northern Forest Canoe Trail will celebrate its 10<sup>th</sup> anniversary on Saturday and Sunday, July 24-25, at Ecopelagicon Nature Store and Haley Pond Park in Rangeley with lots of canoe and kayak activities. Among those participating is Rex Turner, BPL outdoor recreation planner, who will speak at 3 p.m. about camping along the NFCT at Maine state parks and other public lands. Turner will discuss participation in the new state parks passport program and also will highlight the rich natural and cultural heritage at specific parks and lands while providing tips for those interested in visiting these special places. For more information, go to: <http://www.northernforestcanoetrail.org/>
- Maine Forest Service and Maine Department of Agriculture staff will have a booth at the Harpswell Festival on Saturday and Sunday, July 24-25, to increase awareness about the invasive insects -- including emerald ash borer, Asian longhorned beetle and hemlock woolly adelgid -- threatening Maine and to remind folks about not bringing in out-of-state firewood. Word has it they also will be in the festival parade at 1 p.m. Saturday. Look for the bug ladies in costume! For more information, go to: [www.harpswellfestival.org](http://www.harpswellfestival.org)
- Speaking of bugs, Gov. John E. Baldacci is expected next month to proclaim August as "Asian Longhorned Beetle Month" in recognition of the importance of making Maine residents and visitors aware of the dangers that this invasive species holds for the state's forestlands. As part of the month's events, the Maine Forest Service and the Maine Department of Agriculture will hold a "High-Risk Survey Day" on Saturday, Aug. 14, at Sebago Lake State Park featuring an intensive survey of local trees, as well as displays and outreach activities. Watch for more info coming soon!



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Find us here: <http://www.facebook.com/pages/Augusta-ME/Maine-Department-of-Conservation/57426456796?ref=ts>



For more information on the Maine Department of Conservation, go to: <http://www.maine.gov/doc>

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